

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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GABRIEL RAZZANO,

Plaintiff,

-against-

COUNTY OF NASSAU, SALVATORE  
MISTRETTA, WILLIAM LEMIEUX, and  
ANTHONY ROCCO,

Defendants.

**MEMORANDUM OF  
DECISION AND ORDER**  
07-CV-3983 (ADS)(AKT)

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**APPEARANCES:**

**La Reddola, Lester & Associates, LLP**

*Attorneys for the plaintiff*  
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Garden City, NY 11530

By: Robert James La Reddola, Esq.

**Nassau County Attorney's Office**

*Attorneys for the defendants*  
One West Street  
Mineola, NY 11501

By: Liora M. Ben-Sorek, Deputy County Attorney  
Ralph J. Reissman, Deputy County Attorney, of Counsel

**SPATT, District Judge.**

On February 28, 2011, the Court granted the plaintiff's motion for summary judgment on his Section 1983 Fourteenth Amendment claim that the defendants failed to provide him with an adequate opportunity to recover rifles and shotguns ("longarms") that the defendants had confiscated from his residence in March 2007. In that same order, the Court referred the case to United States Magistrate Judge A. Kathleen Tomlinson for an inquest to determine the plaintiff's entitlement to damages, if any, caused by the lack of a prompt post-deprivation hearing and the defendants' retention of the plaintiff's longarms since March 2007.

On February 27, 2012, Judge Tomlinson issued a Report and Recommendation, recommending that the Court: (1) award the plaintiff \$20,000 in damages for emotional distress and post-judgment interest at the rate set forth in 28 U.S.C. § 1961 as of the date of the entry of final judgment; (2) deny the plaintiff's motion for attorneys' fees in the amount of \$2,500 associated with his request for a state administrative license hearing; and (3) deny the plaintiff's request for punitive damages. To date, there have been no objections filed to the Report.

In reviewing a report and recommendation, a court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. §636(b)(1)(C). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court has reviewed Judge Tomlinson's Report and finds it be persuasive and without any legal or factual errors. There being no objection to Judge Tomlinson's Report, it is hereby

**ORDERED**, that Judge Tomlinson's Report and Recommendation is adopted in its entirety. The Court awards the plaintiff \$20,000 in damages for emotional distress and post-judgment interest at the rate set forth in 28 U.S.C. § 1961 as of the date of the entry of final judgment; (2) denies the plaintiff's motion for attorneys' fees in the amount of \$2,500 associated with his request for a state administrative license hearing; and (3) denies the plaintiff's request for punitive damages, and it is further

**ORDERED**, that the Clerk of the Court is directed to enter judgment in favor of the plaintiff in the amount of \$20,000.

**SO ORDERED.**

Dated: Central Islip, New York  
March 22, 2012

*/s/ Arthur D. Spatt*  
ARTHUR D. SPATT  
United States District Judge